

REMARKS

Upon entry of present amendments, claims 1-3, 5-10, 17-24, 26, 27, 43, and 48-96 will be pending. New claims 48-96 have been added. Support for the new claims can be found throughout the specification as filed. For example, support for claims 48, 72, and 73 can be found in the specification at page 13, lines 18-22, at page 15, lines 23-24, and in original claims 1-4. Support for claims 49-53 and 74-78 can be found in original claims 6-10; support for claims 54-61 and 79-86 can be found in original claims 17-24; and support for claims 62 and 87 can be found in original claim 26. Support for new claims 63 and 88 can be found in the specification at page 18, lines 29-31 through page 19, lines 1-2, at page 19, lines 7-8, 10-11, and 17, and at page 20, lines 1-2; support for new claims 64, 70, 89, and 95 can be found in the specification at page 20, lines 6-13; support for claims 65 and 90 can be found in the specification at page 17, lines 24-27; support for claims 66-69 and 91-94 can be found in the specification at page 18, lines 8-13; and support for claims 71 and 96 can be found in the specification at page 18, lines 18-19. Applicants submit that no new matter has been added.

Consideration of the new claims is respectfully required.

Applicants would also like to remark on the rejections presented in the Office Action mailed on October 9, 2007, in relation to the newly-presented claims.

Rejection under 35 U.S.C. § 112, First Paragraph

The Written Description Rejection

Without acquiescing to the substance of the written description rejection, Applicants submit that the rejection is moot with regard to the new claims 48-96 that recite **1-methyl-D-tryptophan**. The Examiner has already acknowledged written description support for 1-methyl-D-tryptophan (pages 4-5 of the Office Action dated October 9, 2007).

The Enablement Rejection

Regarding the scope of enablement rejection, Applicants submit that the scope of new claims 48-96 is fully supported and enabled by the specification. Applicants show a synergistic effect of 1-methyl-D-tryptophan in an *in vivo* cancer model with both radiation and chemotherapeutic agents (see page 52-53 of the specification). Given these results, and

the fact that radiation and chemotherapy act by different mechanisms in cancer treatment, one of skill in the art would fully expect 1-methyl-D-tryptophan to find use in any cancer treatment regimen. Accordingly, the current rejection under section 112, first paragraph is not applicable to the presently submitted claims.

Rejection under 35 U.S.C. § 102

Applicants submit that the anticipation rejection based on the WO 00/66764 reference is moot in relation to new claims 48-96, as the new claims recite administering to a subject an effective amount of a pharmaceutical composition consisting essentially of **1-methyl-D-tryptophan** or comprising **1-methyl-D-tryptophan** but not 1-methyl-(D,L)-tryptophan. Because WO 00/66764 does not teach administering 1-methyl-D-tryptophan, it does not anticipate at least the newly presented claims.

Applicants respectfully submit that the claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicants respectfully request a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283.

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Respectfully submitted,

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